

REMARKS

This amendment is in response to the Official Action mailed on January 27, 2005. A one-month petition for extension of time is submitted herewith. Applicant has amended claims 1 and 10. Claims 1, 3-10 and 10-18 as amended are now pending in this application.

As an initial matter, Applicant's attorney wishes to thank Examiner Vent for clarifying, during a telephone call on May 11, 2005, that the present Official Action is non-final as indicated on the Office Action summary page. The Examiner indicated that the paragraph stating that the action was made final on page 5 of the Official Action was inserted in error and that the PTO's system reflected that this Office Action is non-final.

Turning to the merits of the Official Action, the Examiner has withdrawn the allowability of the claims previously indicated to be allowable in view of a new ground of rejection. Namely, claims 1, 3-8, 10 and 12-7 were rejected under 35 U.S.C. § 102(b) as being unpatentable in view of Ellis et al., U.S. Patent No. 6,470,497 ("Ellis"). In addition, dependent claims 9 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis in view of Sugita et al., U.S. Patent No. 6,381,402 ("Sugita").

Applicant submits that the currently presented claims patentably distinguish over the cited prior art.

The cited section of Ellis deemed by the Examiner to anticipate the aforementioned claims, i.e., Column 10, lines 20-52, merely describes a channel scanning feature that can be activated when the program schedule system of Ellis operates in a "FLIP" mode, as shown in Figure 5A. However, Ellis fails to disclose, teach or suggest the claimed multiplexing of the first and second insertion signals. Rather, Ellis discloses that:

After a preset period of time, the system will tune to the next highest (or lowest) channel and, again according to the ordinary operation of the FLIP mode, the corresponding program information will be displayed. After another period of time, the next highest (or lowest) channel in sequence will be tuned, and so on.

(Column 10, lines 47-52 (emphasis added).)

The presently claimed invention multiplexes and superimposes the multiplexed insertion signals on the main information signal, and is especially useful from a security standpoint such that, for instance, the additional information will be less detectable and harder to compromise to increase copyright protection. The multiplexing is discussed, for example, in paragraphs 21, 23, 26, 34-40, 47, 50, 53 and 62, and different types of multiplexing can be employed as described, for example, at paragraphs 63-67.

Because Ellis fails to disclose, teach or suggest the claimed means or method for multiplexing as provided in independent claims 1 and 10, and thus the claims that depend therefrom, Applicant respectfully submits that the currently presented claims are patentable over Ellis and requests that the Examiner withdraw the rejection of the claims.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which she might have.

Application No.: 10/069,709

Docket No.: SONYAK 3.3-183

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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